

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**KRYSTAL BELL, as wrongful death representative of  
JACOB ADAM MITSCHELEN, deceased,**

**Plaintiff,**

**v.**

**No. CV 11-907 JCH/ACT**

**BYRON "TREY" ECONOMIDY III,  
in his individual capacity, and  
CITY OF ALBUQUERQUE,**

**Defendants.**

**DEFENDANT ECONOMIDY'S ANSWERS, RESPONSES AND OBJECTIONS TO  
PLAINTIFF'S FIRST SET OF INTERROGATORIES AND REQUESTS FOR  
PRODUCTION TO DEFENDANT BYRON "TREY" ECONOMIDY, III**

COMES NOW Defendant Byron "Trey" Economy III, by and through his counsel of record Kathryn Levy, and hereby answers, responds and objects to Plaintiff's First Set Interrogatories and Requests For Production to Defendant Bryon "Trey" Economy III:

**INTERROGATORY NO. 1:**

Please identify and describe each and every place of employment at which you have worked during the last ten (10) years. For each such place of employment, please identify and describe: (a) your employer and place of employment; (b) your job title and duties, including all promotions; (c) the inclusive dates you worked at each place of employment; (d) your immediate supervisor and that individual's contact information; and (e) why you left that employment.

**ANSWER:**   **Objection.** Defendant objects on the grounds that the information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding these objections, please see the following:

irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The request is also unlimited as to date. Defendant further objects on the grounds that the interrogatory violates his right to privacy.

**INTERROGATORY NO. 3:**

*OTHER THAN* in the context of a criminal matter in which you served as prosecutor or as a witness, please indicate each and every occasion on which you have testified under oath, whether at a deposition, hearing, trial, or otherwise. Please include in your answer the name of the case in which the sworn testimony was given (including court and case number), the date of the sworn testimony, and the circumstances under which the sworn testimony was taken.

**ANSWER:**

**Objection.** Defendant objects on the grounds that the information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving this objection, Defendant testified at trial on May 3, 2011 in *Gallegos v. Chavez et al.*, United States District Court, 2009cv00298 ACT/WDS.

**INTERROGATORY NO. 4:**

For the period from 2007 to the present, please identify all online/internet social networks to which you belong or belonged (and the names under which you hold those accounts), all blogs or microblogs (eg, Twitter) accounts you maintain(ed) or post(ed) to (and the names under which you hold those accounts), and all email accounts or addresses which you hold/held or use(d).

**ANSWER:**

**Objection.** Defendant objects to the request on the grounds that the information sought is overly broad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the grounds that the interrogatory

violates his right to privacy.

**INTERROGATORY NO. 5:**

For the period from 2007 to the present, please identify all cell phone accounts and/or home telephone accounts you hold/held, including the phone number, the telephone service provider, and the particular individual or individuals named on the account.

**ANSWER:**

**Objection.** Defendant objects to the request on the grounds that the information sought is overly broad, irrelevant, violates his right to privacy, and is not reasonably calculated to lead to the discovery of admissible evidence.

**INTERROGATORY NO. 6:**

Please identify any and all policies of the Albuquerque Police Officers Association which provide for payment of any cash payment or other compensation to police officers, including yourself, in relation to the discharge or use of a firearm while on duty, and identify each and every time you received such a payment from the Albuquerque Police Officers Association.

**ANSWER:**

Defendant does not write or maintain the policies of the Albuquerque Police Officers' Association. Defendant has never received a cash payment or any other form of compensation from the Albuquerque Police Officers' Association in relation to the discharge or use of a firearm while on duty.

**INTERROGATORY NO. 7:**

Please identify the APD "buddy officer" or partner assigned to you following the shooting of Jacob Adam Mitschelen, including the individual's name and contact information.

**ANSWER:**

Please produce any and all disciplinary records, files or documents related to the disciplinary procedures identified in your Answer to Interrogatory No. 2, including any and all Internal Affairs files which have resulted from any and all investigations of your conduct, actions and/ or behavior as a law enforcement officer at any point during your law enforcement career.

**RESPONSE:**

**Objection.** Defendant objects on the grounds that the information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. The request is also overly broad and unduly burdensome, as well as unlimited as to date. Without waiving these objections, Defendant states that there have been no reports of any complaints against him arising from or regarding his military service nor in his capacity as a Server. Counsel for Plaintiffs should be required to make a prima facie showing of relevance and necessity of production before any records are produced. Any documents should be produced only after an *in camera* inspection by the Court and under seal and subject to a confidentiality order limiting their dissemination.

**REQUEST FOR PRODUCTION NO. 3:**

Please produce copies and/or transcripts of all sworn statements identified in your Answer to Interrogatory No. 3.

**RESPONSE:**

**Objection.** Defendant objects on the grounds that the information requested is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

Defendant does not have transcripts of his testimony.

**REQUEST FOR PRODUCTION NO. 4:**

Please produce all postings, comments, photographs, chat communications, blog entries, or other information which is now, or has ever been, posted to, recorded on, or in any way associated or linked with the social network accounts identified in your answer to Interrogatory No. 4.

**RESPONSE:**

**Objection.** Defendant objects to the request on the grounds that the information sought is overly broad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the grounds that the interrogatory violates his right to privacy.

**REQUEST FOR PRODUCTION NO. 5:**

Please produce all email, including attachments, sent from or received by the accounts identified in your answer to Interrogatory No. 4 from February 9, 2010 to the present.

**RESPONSE:**

**Objection.** Defendant objects to the request on the grounds that the information sought is overly broad, irrelevant, and not reasonably calculated to lead to the discovery of admissible evidence. Defendant further objects on the grounds that the interrogatory violates his right to privacy.

**REQUEST FOR PRODUCTION NO. 6:**

Please produce any and all text messages, SMS messages, MMS messages or other text-based communications sent by you or to you from any and all electronic devices, from Tuesday, February 8, 2011 to February 18, 2011.

**RESPONSE:**

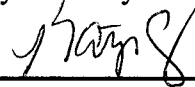
**Objection.** Defendant objects to the request on the grounds that the information sought is

Respectfully submitted,

CITY OF ALBUQUERQUE

David Tourek

City Attorney

A handwritten signature in black ink, appearing to read "Kathryn S", is written over a horizontal line.

Kathryn Levy

Attorney for Defendant

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